IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 10TH OCTOBER 2007 / 18TH ASWINA 1929

Crl.MC.No. 3124 of 2007()

CC.650/2004 of JUDL. MAGISTRATE OF FIRST CLASS COURT-I, THRISSUR
CRA.130/2006 of SESSIONS COURT, THRISSUR

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PETITIONER: ACCUSED

PRADEEP, S/O PRABHAKARAN,
AGED 35 YEARS, KAVILPPAD,
OLAVAKKODE, PALAKKAD.

BY ADV. SRI.JACOB SEBASTIAN

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 10/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.3124 of 2007

Dated this the 10th day of October, 2007

O R D E R

The petitioner has been found guilty, convicted and sentenced in a prosecution under Section 138 of the Negotiable Instruments Act. He preferred an appeal. The appellate Judge directed that the sentence shall stand suspended on condition that the petitioner executes a bond for Rs.5,000/- with 2 solvent sureties each for the like sum. The petitioner has not so far executed the bond. He is now willing to execute the bond. In the meantime, a warrant of arrest has been issued against the petitioner to arrest him and to compel him to suffer the sentence. The petitioner is now willing to surrender before the learned Magistrate and execute the bond as directed. But he apprehends that the learned Magistrate may not permit him to execute the bond and may remand him to custody.

2. I find the apprehension of the petitioner to be totally unjustified. No time limit has been prescribed by the learned Magistrate to execute the bond. It is for the petitioner to appear before the learned Magistrate and execute the bond along with two sureties. When the petitioner so appears, the learned Magistrate

must permit him to execute the bond, if the learned Magistrate is satisfied about the sureties as directed in the order dated 27.02.2006 in Crl.M.P.No.552 of 2006 by the learned Sessions Judge and if there be no subsequent orders modifying the said order.

(R.BASANT, JUDGE)

rtr/-